

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ERIC DEON ROBINSON,

Case No. 2:21-cv-01989-RFB-DJA

Petitioner,

v.

ORDER

WARDEN HUTCHINGS, et al.,

Respondents.

Petitioner Eric Deon Robinson, a Nevada state prisoner, has submitted a *pro se* Petition for Writ of Habeas Corpus (ECF No. 1-1) pursuant to 28 U.S.C. § 2254. This habeas matter is before the Court on Petitioner's Application to Proceed *In Forma Pauperis* (ECF No. 1).

Pursuant to 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. Indigent prisoners who do not have money to pay the \$5.00 filing fee may request permission to proceed *in forma pauperis* ("IFP"). A prisoner's IFP application must be submitted on the court's form and include three specific documents: (a) a copy of the prisoner's account statement for the six-month period prior to filing, (b) a financial certificate signed by the prisoner and an authorized prison official, and (c) the prisoner's financial declaration and acknowledgement showing an inability to prepay fees and costs. 28 U.S.C. § 1915; LSR 1-1, LSR 1-2.

Here, Petitioner has requested IFP status to waive his filing fee. However, he did not submit a financial certificate signed by an authorized officer at the Nevada Department of Corrections. In addition, Petitioner has not submitted a certified copy of his inmate trust account statement for the six-month period preceding this habeas action.

Although he may qualify for IFP status, the Court is unable to make such determination without all of the correct documents. Petitioner's IFP application lacks the appropriate financial information and documentation required by § 1915(a) and the Local Rules and is therefore denied without prejudice. He will have approximately 45 days from the date of this order to either pay the

1 \$5.00 filing fee or submit a complete IFP application with all required attachments.

2 **IT IS THEREFORE ORDERED:**

- 3 1. Petitioner Eric Deon Robinson's Application to Proceed *In Forma Pauperis* (ECF
4 No. 1) is DENIED WITHOUT PREJUDICE.
- 5 2. The Clerk of Court is instructed to mail Petitioner (i) a blank form Application to
6 Proceed *in Forma Pauperis* for incarcerated litigants with instructions, and (ii) two
7 copies of this order.
- 8 3. Within 45 days of the date of this order, Petitioner must file an IFP application along
9 with (i) a financial certificate executed and signed by the petitioner and an authorized
10 prison official, (ii) a financial acknowledgement executed and signed by the petitioner,
11 and (iii) a statement of his inmate trust account for the six-month period prior to filing.
- 12 4. Alternatively, Petitioner will pay the \$5 filing fee within 45 days.
- 13 5. Petitioner's failure to comply with this Order by submitting a complete IFP application,
14 or paying the filing fee within 45 days will result in the dismissal of this action without
15 prejudice and without further advance notice.

16 DATED this 22nd day of February, 2022.

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19 RICHARD F. BOULWARE, II
20 UNITED STATES DISTRICT JUDGE
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